



"New Hampshire's Information Specialists"™

VOLUNTEER RIGHTS AND RESPONSIBILITIES

Granite State Ambassadors provide the information below for reference only. Laws and rule may change without notice. GSA, Inc. provide the website address from where the information below was retrieved. Please take some time to learn about your rights and responsibilities as a volunteer in New Hampshire.

- I. The **General Court of NH** www.gencourt.state.nh.us has a law which limits the liability for volunteers as defined below:

**TITLE LII
ACTIONS, PROCESS, AND SERVICE OF PROCESS
CHAPTER 508
LIMITATION OF ACTIONS
Section 508:17**

508:17 Volunteers; Nonprofit Organizations; Liability Limited. –

I. Any person who is a volunteer of a nonprofit organization or government entity shall be immune from civil liability in any action brought on the basis of any act or omission resulting in damage or injury to any person if:

(a) The nonprofit organization or government entity has a record indicating that the person claiming to be a volunteer is a volunteer for such organization or entity; and

(b) The volunteer was acting in good faith and within the scope of his official functions and duties with the organization; and

(c) The damage or injury was not caused by willful, wanton, or grossly negligent misconduct by the volunteer.

I-a. [Repealed.]

II. Liability of a nonprofit organization for damage or injury sustained by any one person in actions brought against the organization alleging negligence on the part of an organization volunteer is limited to \$250,000. Such limit applies in the aggregate to any and all actions to recover for damage or injury sustained by one person in a single incident or occurrence. Liability of a nonprofit organization for damage or injury sustained by any number of persons in a single incident or occurrence involving negligence on the part of an organization volunteer is limited to \$1,000,000.

III. Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization against any volunteer of such organization.

IV. Volunteer activity related to transportation or to care of the organization's premises shall be excepted from the provisions of paragraph I of this section.

V. In this section:

(a) ""Damage or injury" includes physical, nonphysical, economic and noneconomic damage and property damage.

(b) ""Nonprofit organization" shall include, but not be limited to, a not for profit organization, corporation, community chest, fund or foundation organized and operated exclusively for religious,



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cultural, charitable, scientific, recreational, literary, agricultural, or educational purposes, or to foster amateur competition in a sport formally recognized by the National Collegiate Athletic Association, and an organization exempt from taxation under section 501(c) of the Internal Revenue Code of 1986 organized or incorporated in this state or having a principal place of business in this state.

(c) "Volunteer" means an individual performing services for a nonprofit organization or government entity who does not receive compensation, other than reimbursement for expenses actually incurred for such services. In the case of volunteer athletic coaches or sports officials, such volunteers shall possess proper certification or validation of competence in the rules, procedures, practices, and programs of the athletic activity.

Source. 1988, 280:1. 1990, 116:1-3, eff. Jan. 1, 1991. 1998, 255:1, 2, eff. Jan. 1, 1999.

- II. The **NH Department of Labor** Administrative Rules provides valuable volunteer information at www.labor.state.nh.us under Chapter 800 Payment of Wages and Requirements of Employers.
- III. The **Giving and Volunteering** section of www.independentsector.org provides information on giving of both time and money. A particularly interesting page is "Dollar value of volunteer time". The estimated dollar value of volunteer time is \$18.77 per hour for 2006.
- IV. The **Fair Labor Standards Act** as clarified by 29 CFR 553:100-106, Subpart B – Volunteers. For the full FLSA please go to www.dol.gov Employment Standards Administration, Wage & Hours Division, Fair Labor Standards Act (FLSA)

553.101 "Volunteer" defined.

(a) An individual who performs hours of service for a public agency for civic, charitable, or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered, is considered to be a volunteer during such hours. Individuals performing hours of service for such a public agency will be considered volunteers for the time so spent and not subject to sections 6, 7, and 11 of the FLSA when such hours of service are performed in accord with sections 3(e)(4) (A) and (B) of the FLSA and the guidelines in this subpart.

(c) Individuals shall be considered volunteers only where their services are offered freely and without pressure or coercion, direct or implied, from an employer.

(d) An individual shall not be considered a volunteer if the individual is otherwise employed by the same public agency to perform the same type of services as those for which the individual proposes to volunteer.